

Approved: Meeting No. 24-15

Attest:

*Bridget Donnell Newton*  
*Sara Taylor-Ferrell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
January 26, 2015  
Meeting No. 04-15  
7:00 p.m.

**Present:**

Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Tom Moore, Councilmember Virginia Onley and Julie Palakovich Carr.

**Staff Present:**

City Manager Barbara Matthews, Acting City Clerk/Treasurer Sara Taylor-Ferrell, and City Attorney Debra Daniel.

**1. Convene**

The Mayor and Council convened in a regular meeting at 7:02 p.m. on Monday, January 26, 2015, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

**2. Pledge of Allegiance**

Mayor Newton led the Pledge of Allegiance.

**3. Agenda Review**

Acting City Clerk Sara Taylor Ferrell noted that there was three changes to this evening's agenda items (11, 15 and the agenda meeting number to reflect meeting number 04-15) due to Executive Session held on Sunday, January 25, 2015.

#### **4. City Manager's Report**

City Manager Barbara Matthews announced and thank the Human Rights Commission, staff liaison Janet Kelly and staff for the 49<sup>th</sup> Martin Luther King, Jr. Celebration. She also thanked all those who attended performed and acknowledged the winners, Margie Glancz, F. Michael Taft and Xavier Hill of Thomas S. Wootton High School who received the Dr. Martin Luther King Jr. Youth awardees.

City Manager Barbara Matthews announced and congratulated the Rockville City Police and Chief Treshuck, for their six straight years of participation at the 19<sup>th</sup> Annual Maryland State Police Polar Bear Plunge and raised over \$3,000.00 for the Maryland Special Olympics.

City Manager Barbara Matthews announced the opening of the Glenview Mansion Art Gallery on Sunday, February 1, and a free concert of Blues and Jazz. Admission is free and open to the public and for more information you can log onto the City's website at [www.rockvillemd.gov](http://www.rockvillemd.gov) and search for Glenview Mansion.

City Manager Barbara Matthews announced that Mayor Newton will be holding a State of the City Address on Thursday, January 29 at F. Scott Fitzgerald Theater, 7 p.m. open to the public and encouraged everyone to attend.

#### **5. Community Forum**

<b>Citizen</b>	<b>Issue</b>
Patricia Woodward	The good work of the City
John Hall	APFS
Amy Weiss	MCPS plans to destroy Blair Ewing and Mark Twain Park
Joseph Weiss	MCPS plans to destroy Blair Ewing and Mark Twain Park
Ann Wallas	Compensation and Class Study
Kashi Way	EZ Storage Text Amendment

Helen Triolo	Rockville Chamber of Commerce
Audra Lew	MCPS plans to destroy Blair Ewing and Mark Twain Park
Daniel Hess	MCPS plans to destroy Blair Ewing and Mark Twain Park
Craig Pittenger	Siena Corporation-work together
Susan Powell	EZ Storage Text Amendment
David Brenner	Code Enforcement

## **6. Mayor and Council's Response to Community Forum and Announcements**

Councilmember Feinberg echoed and thanked staff for the celebration of the Martin Luther King program and commented that she enjoyed all the dance groups and that everyone honors the diversity and pearls of our City. Councilmember Feinberg also attended the Recreation and Parks board meeting.

Councilmember Onley said as the liaison to the Rockville Sister City Corporation she was invited to attend the Montgomery County Sister City meeting and has information on Montgomery County Sister Cities if interested.

## **7. Mayor and Council Reports**

No reports from the Mayor and Council.

## **8. Appointments/Reappointments and Announcement of Boards and Commissions**

**Motion:** to reappointment Thomas Curtis to the Board of Appeals until 1/1/18

Moved by Councilmember Onley, seconded by Councilmember Palakovich Carr and unanimously approved.

Motion: to reappointment Jim Coyle to the Compensation Commission staggered term beginning December 31 until 12/31/19

Moved by Councilmember Feinberg, seconded by Councilmember Onley and unanimously approved.

Mayor Newton announced the vacant positions to the following Boards and Commissions:

Environment Commission, Financial Advisory Board, Historic District, Commission, Recreation and Parks Foundation, Inc., Senior Citizens Commission, Traffic and Transportation, Compensation Commission, Human Services Advisory Commission, Landlord Tenant Affairs Commission, Human Rights Commission, and Personnel Appeals Board

**9. Second Public Hearing on Proposed Amendments to the Adequate Public Facilities Standards (APFS), that would Align the Rockville School Standards with Montgomery County's School Standards**

Mayor Newton opened the Second Public Hearing at 7:40 p.m. The Mayor and Council heard testimony from the following speakers:

1. Laura Berthiaume
2. Larry Giammo
3. John Hall, Jr.
4. Gene Thirolf
5. Larry Finkelberg
6. Tom Gibney
7. Robyn Parks
8. Anne Marie Agnew
9. Drew Powell
10. Victoria McMullen
11. Jack Leiderman
12. Doug White
13. John Cox
14. Dick Knapp
15. Jim Vitol
16. Caitlin Shelby
17. Aakash Thakker
18. Bill Burchett
19. Brian Barkely
20. John Britton
21. Alex Hecht
22. Jay Corbalis
23. Helen Triolo
24. Brian Shipley
25. Kathy Pirollo
26. Jacques Gelin
27. Andrew Starling
28. Chris Nurse
29. Patricia Woodward
30. Noreen Bryan
31. Ruth O'Sullivan
32. Vincent Russo

33. Cliff Veirs
34. Kevin Zaletsky
35. Timothy Fahey
36. Sean Hart
37. Brian Mistysyn

The Mayor and Council took a brief recess at 10:08 pm. The meeting reconvened at 10:17 pm.

38. Dan Ferrell
39. Rose Krasnow
40. Melissa McKenna
41. Jennifer Timmick
42. Alice von Saunder
43. Paul Neuman
44. Kashi Way
45. Stephan Varga
46. Michael Stern
47. Susan Hoffmann
48. Jeff Lynch
49. Joe McClane
50. Michael Folkart
51. Jeremy Martin
52. Lynda Moulton
53. Dennis Cain
54. Mark Pierzchala
55. Margaret Chao
56. Phyllis Marcuccio
57. Susan Prince
58. Iris Sherman
59. Glen Orlin
60. Ken Saunder
61. Robert Dorsey

The complete testimony of the speakers can be found in the official Public Hearing file of the Mayor and Council in the City Clerk's office. There being no other persons wishing to speak, Mayor Newton closed the Public Hearing at 11:58 p.m.

Going back to the Public Hearing, Mayor Newton asked the Councilmembers if there were any comments or questions for Deputy City Council Mr. Orlin. Councilmember Onley asked when Councilmember Berlinger plans to have a discussion, and Deputy Council Orlin said not until 2016.

Mayor Newton requested that the Mayor and Council have a discussion with the County and State on how it will be funded. Councilmember Onley seconded the request.

Councilmember Onley also agreed that the Mayor and Council needs to have a greater conversation to connect with the County and State so that it does not impact taxes on Rockville and demand what Rockville really needs and so that Rockville doesn't become a ghost town and protect our children.

Councilmember Moore said that he would like the Mayor and Council to stay on track with the schedule. Mayor Newton said that the Mayor and Council have not had a discussion among the group on the pros and cons.

Councilmember Feinberg supports to keep on track but asked the Mayor and Council bring back for discussion on February 9. Mayor Newton said she was not looking to delay the process but a discussion would be realistic.

**Motion:** to instruct staff to update language recommendations on page 3 and 4 and bring back to Mayor and Council for February 9 meeting

Motion passed with a vote of 3-1-1 Councilmember Moore, seconded by Councilmember Palakovich Carr, and Councilmember Feinberg, opposed by Councilmember Onley and abstained by Mayor Newton.

## **10. Consent Agenda**

### **A. Award of a Contract Amendment with CGI Technologies and Solutions Inc. (CGI) of Fairfax, Virginia**

Mayor Newton commented, she received an email concerning this contractor and employment practices. Mayor Newton asked if the City was comfortable with approving the contract. Information and Technology Manager Obodo said that he was comfortable with supporting and maintaining the contract.

**Motion:** Award of a Contract Amendment with CGI Technologies and Solutions, Inc. (CGI) of Fairfax, Virginia

Moved by Councilmember Moore, seconded by Councilmember Feinberg and unanimously approved.

### **B. Approval to Increase Spend when Making Multiple Awards off a Various State of Maryland, Department of Information and Technology Contracts**

Councilmember Feinberg asked if the numbers on the attachments showing the money amounts was each year or just one year. Councilmember Feinberg had concerns about giving authorization going out three years when we have no clue on what the revenues, priorities, etc. would be as it would be a huge jump from \$500K to \$2M. Councilmember Feinberg had reservation on making a decision for over several years. City Manager

Matthews said if approved by the Mayor and Council it would be granting contractual authority going forward.

Councilmember Moore commented that this is only to fast track to get implementation and modules into the ERP project so that we don't have to come back to get approval to move forward to upgrade Lotus Notes and telecommunications.

Councilmember Feinberg raised the question could one or two modules be done. Mr. Odobo said this would need to be approved for fiscal year, without this contract would not be able to finish the upgrade.

City Manager Matthews commented that it would also be more procurement in the adopted budget that the Mayor and Council would have to approve and Mr. Cohen also said that if we don't go out to bid it gives the City the ability to utilize the County contract when IT procurement is needed.

**Motion:** to approve increase Spend when Making Multiple Awards off a Various State of Maryland, Department of Information and Technology Contract Subject to Appropriations

Moved by Councilmember Moore, seconded by Councilmember Palakovich Carr and unanimously approved.

## **11. Discussion, and Possible Adoption of Employee Compensation Philosophy**

The Mayor and Council reviewed the Compensation Philosophy and made comments, corrections and recommendations.

Mayor and Council requested that staff make the following revisions to the draft Employee Compensation Philosophy before adoption.

- First line add "transparent" and "consistent"
- Preferred previous language "competitive with or ahead of its peers"
- Prefers "community" instead of "taxpayers"
- Second line "that supports Our mission and vision" instead of "its mission and vision"
- First bullet better term "regular"
- Add the "City's goal will be to"

Motion: to adopt the Employees Compensation Philosophy with the approved changes

Moved by Councilmember Feinberg, seconded by Councilmember Palakovich Carr and unanimously approved.

## **12. Presentation - Fiscal Year 2015 Second Quarter Vacancy Report**

Director of Human Resources Karen Marshall gave a brief report on the second quarter vacancy report. Discussion between the Mayor and Councilmembers and staff was held with each Mayor and Councilmember expressing their personal thoughts and opinions.

Councilmember Feinberg requested that staff bring back answers to her questions when possible and would like further discussion including the lapse figure dollars associated with the benefits and with the buy back, which should be budgeted and not be supported of the \$76,000.00.

**13. Introduction of an Ordinance to Adopt Zoning Text Amendment TXT2015-00239, to Amend the I-L, I-H, MXE and MXB Zones to Allow Self-Storage Warehouse in those Zones only as a Conditional Use, Conditioned on the Use Not Being on a Lot Within 250 feet of Any Lot On Which A Public School Is Located (Mayor and Council of Rockville, applicants)**

Director of Planning and Development Susan Swift was there to answer questions on the introduction of the text amendment.

**Action:** Councilmember Feinberg introduced the Ordinance in Attachment C. She noted that there were two variations of the ordinance in the packet and that she was introducing Attachment C with the clarifying language.

**14. Approval of Minority, Female, Disabled (MFD) Procurement Program - Objectives, Strategies and Goals**

Finance Director Gavin Cohen gave a brief summary of the goals, objectives and strategies of the City's Minority, Female, and Disabled (MFD) Owned Business Outreach Program. Lengthy discussion between the Mayor and Council and staff was held with Councilmember Feinberg expressing her concerns on the following:

- Remove "has principle place of business in Maryland" or resides in Maryland
- Persons with disabilities should be included, not just disabled veterans
- Add objective about being on the web on the Procurement page
- Under next steps, include it as part of the strategy; establish point of contact; include articles in minority newspapers to reach out and pitch new program

Staff to bring back modifications agreed and Councilmember Feinberg will send a list of organizations of certified MFD firms in the greater metro DC area to be included before approval. Councilmember Feinberg also requested to have a conversation at a later time regarding local preference.

City Attorney Debra Daniel will define use of the word American as outlined in bullet two of the discussion.

**15. Review and Comment - Mayor and Council Action Report**



The Mayor and Council reviewed the Action Report and made comments, corrections and recommendations.

City Manager Barbara Matthews that she would like direction provided from the Mayor and Council on the following action report items FA-2013-9 (Discussion of Supplemental Employee Contribution) and FA-2014-30 (Boards and Commissions) to mark complete or if they wish to have a future agendas.

Councilmember Moore requested adding the discussion on recusal process to the Rules and Procedures. Councilmember Feinberg seconded the request.

Mayor Newton requested to add resign to run as a candidate. Councilmember Onley seconded the request.

## **16. Review and Comment - Future Agendas**

The Mayor and Council reviewed the Future Agendas and made comments, corrections and recommendations.

Mayor Newton requested clarification regarding the pedestrian crossing at route 28 and Maryland Avenue and Councilmember requested route 28 and Monroe Street.

Mayor Newton requested to have a discussion on the impact and budge with Montgomery County Public Schools regarding the Mark Twain Athletic Park. Councilmember Palakovich Carr seconded the request.

Councilmember Feinberg suggested that staff check with the County Clerk to see when the project might be heard so that we can be on the same level discussing the projects.

City Manager Barbara Matthews asked the Mayor and Council to set a date to close the record for public testimony for Rockville Pike Plan on March 6 midnight. Councilmember Palakovich Carr and Councilmember Moore agreed that it would be helpful to have the date set for public transparency and then if there was a need to extend after March 6, it could be done.

The Mayor and Council agreed to add the APFS discussion to the February 2 agenda and keep the vote on February 9.

## **17. Old/New Business**

No old and new business from the Mayor and Council.

## **18. Adjournment**

There being no further business, the meeting adjourned at 1:43 p.m.

Moved by Councilmember Moore, seconded by Councilmember Palakovich Carr and unanimously approved.